



Executive Board Meeting Minutes

August 21, 2020

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Lori Schectel (Central Contra Costa Sanitary District); Amit Mutsuddy (City of San Jose); Eileen White (East Bay Municipal Utility District); Amy Chastain (San Francisco Public Utilities Commission); Jason Warner (EBDA).

Other Attendees:

<u>Name</u>	<u>Agency/Company</u>
Eric Dunlavey	City of San Jose
Lorien Fono	BACWA
Alina Constantinescu	LWA/ BACWA
Jennifer Dymont	BACWA
Tom Hall	EOA
Amanda Roa	Delta Diablo
Karin North	City of Palo Alto
Mary Cousins	Woodard & Curran
Armando Lopez	Union Sanitary
Mary Lou Esparza	Central San
Samantha Engelage	City of Palo Alto
David Richardson	Woodard & Curran
Holly Kennedy	HDR, Inc.
Teresa Herrera	Silicon Valley Clean Water
Azalea Mitch	City of San Mateo
Rebecca Sutton	SFEI
Melody LaBella	Central San
Jennifer Acton	SF Airport
Mike Connor	None
Melissa Foley	SFEI
Mike Falk	HDR, Inc.
Sarah Deslauriers	Carollo Engineers
Nohemy Revilla	SFPUC
Farid Karimpour	SFEI
Don Gray	EBMUD
Nora Cibrian	City of San Jose
David Senn	SFEI
Pradeep Mugunthan	SFEI
Yun Sheng	EBMUD
Melody Tovar	City of Sunnyvale

Amit Mutsuddy started meeting at 9:01

ROLL CALL - taken

PUBLIC COMMENT – None

CONSIDERATION TO TAKE AGENDA ITEMS OUT OF ORDER

BACWA Staff suggested that Item 8 to be discussed before Item 4 & that item 14 be pulled.

CONSENT CALENDAR

1 July 17, 2020 BACWA Executive Board Meeting Minutes

2 June 2020 Treasurer's Reports and FY 20 Close. The AED gave an overview of the end of FY Budget to Actual.

Consent Calendar Items 1 and 2: A motion to approve was made by CCCSD, Lori Schectel and seconded by EBDA, Jason Warner. The motion was approved unanimously.

APPROVALS AND AUTHORIZATIONS

3 Approval: RPM Contract for FY21 (\$98K). Mary Cousins was welcomed to the BACWA team.

Item 3: A motion to approve was made by CCCSD, Lori Schectel and seconded by SFPUC, Amy Chastain. The motion was approved unanimously.

4 Approval: Contract with SFEI for PFAS Study Design and Management (\$65K). The ED reviewed the Scope of Work as well as lower cost alternatives.

Item 4: A motion to approve was made by EBDA, Jason Warner and seconded by CCCSD, Lori Schectel. The motion was approved unanimously.

5 Approval: SGA Amendment #1 (\$30K). This contract will provide public outreach support to BAPPG.

Item 5: A motion to approve was made by CCCSD, Lori Schectel and seconded by EBDA, Jason Warner. The motion was approved unanimously.

6 Approval: SRT Amendment #2 on behalf of BABC. This amendment will increase SRT's contract to improve BABC's website and brochure.

Item 6: A motion to approve was made by SFPUC, Amy Chastain and seconded by EBDA, Jason Warner. The motion was approved unanimously.

7 Approval: BAR Conflict of Interest Code. The review and approval of this code is a biennial requirement.

Item 7: A motion to approve was made by CCCSD, Lori Schectel and seconded by SFPUC, Amy Chastain. The motion was approved unanimously.

POLICY/STRATEGIC

8 Discussion: Region 2 PFAS Study – This item was taken out of order and discussed prior to Item 4. SFEI staff Rebecca Sutton presented PFAS monitoring project. The State Water Board recently issued an investigative order requiring PFAS monitoring at POTWs; the order does not apply to Region 2. SFEI will coordinate a regional PFAS study for the Bay Area instead; study is designed to be efficient in terms of monitoring representative facilities rather than all facilities, and inform potential management actions. Proposed a phased study: Phase 1 monitor up to 15 POTWs facilities by the end of this year. Phase 2 design is tied to outcome of Phase 1. Summarized SFEI tasks: project management; sampling & analysis plan; data management & QA/QC; GeoTracker reporting; data analysis, reporting & recommendations. Phase 1 timeline is August through the end of November 2020 and then in May 2021 SFEI would present Phase 2 summary presentation and recommendations. Rebecca summarized cost comparisons and then answered technical questions from BACWA members.

See [presentation](#)

9 Discussion: RMP Update – Melissa Foley from SFEI presented an update on Regional Monitoring Program activities. Melissa mentioned that they are looking for new Steering Committee members for October meeting (Robert Wilson moved from Petaluma to Santa Rosa, an agency outside of Region 2). The Committee reviews the design of the existing programs, including CECs priorities and status and trends. Melissa summarized 2020 and 2021 special studies in emerging contaminants and microplastics and noted that nutrient monitoring is also continuing with ongoing USGS contract. She also shared a map of continuous data stations in South Bay and instrument locations. Status and trends activities for 2020 were summarized: USGS suspended sediment monitoring and toxic contaminants in margins sediment, and USGS bay cruises resumed in July after three months off due to COVID. Summarized RMP contributions for current year, budget, and special studies funding. The RMP Annual Meeting is October 6, 2020, with official announcement & registration coming shortly. Planning for the future for 2022 and beyond: CECs monitoring strategy for stormwater, personal care and cleaning product ingredients, and follow up on PFAS. Summarized multi-year microplastics priorities. The program is open to feedback on other priorities. Melissa encouraged BACWA members to contact SFEI with any questions.

See [presentation](#).

BREAK 10:38 – 10:48 AM

10 Discussion: Draft Comments on Toxicity Provisions – BACWA Staff summarized comment letter requesting that facilities of any size with reasonable potential would be assigned numeric effluent limits, while POTWs of any size without reasonable potential would be assigned numeric targets. The BACWA comments supported comment submitted by CASA. BACWA staff will discuss the sensitive species screening requirements, and their impacts on the Alternate Monitoring Requirements, with RWB Staff. Comments are due on August 24, 2020. BACWA member discussion and technical questions followed.

11 Discussion: NACWA Cost of Wipes Report – BACWA Staff summarized study on impact of wipes on collection systems and felt costs presented were overly conservative. BACWA contributed funding to this study; Board is asked whether BACWA's logo should appear on the cover. CCCSD summarized wipes legislation AB1672 that was expected to pass, but was held in suspense. CASA made significant progress with wipes manufactures, so it is very disappointing that the bill was held back but hopeful it will move forward next year. BACWA member discussion and technical questions followed.

BACWA staff to find out what other organizations will appear on the report and will share. BACWA staff will forward to Collection Systems Committee chair to review. It was agreed that BACWA will place logo on report.

12 Discussion: BABC Update – Sarah Deslauriers, BABC Project Manager, summarized Bay Area Biosolids Committee history. Current challenge is that because of California legislation requiring organics diversion, biosolids sent to landfills will need a new disposal/ beneficial reuse option by 2025. BABC works collaboratively with Bay Area utilities to enhance environmental quality and support development of cost-effective and socially conscious decisions. BABC's goals are biosolids-related communication, to advance independent scientific research, support & expand biosolids land application in Bay Area in coordination with CASA & other regulatory agencies, support project development for cost effective biosolids use. BABC's membership is open to a wide variety of professions – academia, regulators, law firms & others. BACWA member discussion and questions followed. Comment on how BABC and BACWA can work more closely together in the future.

[See presentation.](#)

13 Discussion: Opportunity to engage in Plan Bay Area - item pulled from agenda.

14 Informational: Wastewater-based Epidemiology (WBE) Working Group update – BACWA staff updated attendees on working group. Group is made-up of wastewater representatives, county health officials, academic researchers (and labs). First round of discussions focused on setting the stage and understanding what kind of monitoring health officials would be helpful to them for decision making. Email BACWA staff if you would like to be included in this working group.

15 Discussion: COVID Issues Round-table – BACWA staff opened discussion to issues of COVID, fire emergency, and recent Stage 3 power shut off issues. CCCSD no new COVID cases at workplace, fires shut down household waste facilities & employees affected by evacuations. City of San Jose challenged

August 21, 2020 Executive Board Meeting Minutes

by changing policies, but staff & contractors have been very proactive about reporting COVID exposure. PG&E did not provide enough time to prepare for Stage 3 power shutoff, but City was able to staff facilities adequately. Fires are affecting staff at City of San Jose. SFPUC general health and safety slowly moving towards regular operations. Staff prefers gators as face covering but this is being investigated carefully. Also ensuring that contractors are following safety procedures. Townhall meetings & coffee break meetings about current topics have been helping morale among staff.

OPERATIONAL

16 Discussion: Draft Agenda for September Online Pardee - BACWA staff summarized draft agenda for the upcoming online Pardee two-day conference. Asked for feedback on format or items that need to be included. Member feedback was to include lots of breaks and identify and focus on most important topics where board input is needed.

17 Discussion: Brown Act requirements on noticing affiliated meetings - BACWA staff presented slide on potential Brown Act conflict at NMS steering committee meetings when a quorum of BACWA board meetings attend. The ED recommended that the NMS Charter be updated to clarify that NMS Steering Committee meetings are meetings of the Regional Water Board, which is responsible for complying with open meeting regulations. BACWA Board members attending NMS Steering Committee meetings may not discuss BACWA business at these meetings other than items that are noticed on the NMS Steering Committee agenda.

Action item: BACWA staff to propose updating NMS charter to account for Brown Act rules

18 Discussion: Invite Regulators to Annual Meeting - BACWA staff presented on options for inviting regulators to BACWA 2021 Annual meeting. Discussion amongst BACWA members followed.

Action item: BACWA staff to invite State Water Board and Regional Water Board members, RWB staff, and BAAQMD EO; other invitees will be decided at the next meeting.

19 Discussion: Strategic Planning Schedule - BACWA staff summarized meeting agenda on September 9, 2020.

REPORTS

20 Committee Reports – BACWA summarized committee reports and links to PFAS presentations in the packet

21 Member Highlights – BACWA staff asked for any member highlights – none.

22 Executive Director Report – BACWA staff noted that report was in packet.

23 Regulatory Program Manager Report - BACWA staff noted that report was in packet.

August 21, 2020 Executive Board Meeting Minutes

- 24 Other BACWA Representative Reports
- a. RMP Technical Committee Mary Lou Esparza, Yuyun Shang, Samantha Engelage
 - b. RMP Steering Committee Karin North; Robert Wilson; Eric Dunlavey
 - c. Summit Partners Lorien Fono; Lori Schectel
 - d. ASC/SFEI Lorien Fono; Eileen White
 - e. Nutrient Governance Steering Committee Eric Dunlavey; Eileen White; Lori Schectel
 - e.i Nutrient Planning Subgroup Eric Dunlavey
 - e.ii NMS Technical Workgroup Eric Dunlavey
 - f. SWRCB Nutrient SAG Lorien Fono
 - g. NACWA Taskforce on Dental Amalgam Tim Potter
 - h. BAIRWMP Cheryl Munoz; Linda Hu; Lorien Fono
 - i. NACWA Emerging Contaminants Karin North; Melody LaBella
 - j. CASA State Legislative Committee Lori Schectel
 - k. CASA Regulatory Workgroup Lorien Fono
 - l. ReNUWIt Jackie Zipkin; Karin North
 - m. ReNUWIt One Water Jackie Zipkin, Eric Hansen
 - n. RMP Microplastics Liaison Artem Dyachenko
 - o. Bay Area Regional Reliability Project Eileen White
 - p. WaterReuse Working Group Cheryl Munoz
 - q. San Francisco Estuary Partnership Eileen White; Lorien Fono
 - r. CPSC Policy Education Advisory Committee Colleen Henry
 - s. California Ocean Protection Council Lorien Fono
 - t. Countywide Water Reuse Master Plan Karin North, Pedro Hernandez
 - u. CHARG - Coastal Hazards Adampation Resiliancy Group Jackie Zipkin

LUNCH BREAK

12:10

NUTRIENTS

25 Discussion: Nutrients 1:00PM

a. Regulatory

i. July 17 NST meeting debrief

Notes from the July 17 meeting are in the packet. BACWA ED briefly presented on key takeaways from July meeting including the extensive discussion on load caps and recommendation that the assessment framework be used to drive decisions about load caps rather than antidegradation. Other issues of concern with the Water Board's vision for the 3rd NWP include aspects of regional planning and provisions for early actors.

b. Technical Work

i. NMS update with focus on modeling

David Senn and other SFEI staff provided an update on technical work related to modeling basis for preliminary designation of subembayments. There was extensive discussion on feasibility of assigning clear subembayment delineations as models show that nutrients circulate through large areas of the Bay; for example, it may not be easy to separate the Lower South Bay from the larger South Bay. Embayments are not closed systems and they receive inputs from adjacent areas.

The SFEI modeling progress report will be presented at the upcoming Steering Committee Meeting in September and will be discussed with regulators at that time. There is another opportunity for discussion before then, at the Planning Subcommittee which meets first Wed of the month.

ii. Assessment Framework meetings debrief

The ED reviewed the indicator matrix that was developed as a first step in the Assessment Framework. SFEI staff will take stakeholder input and develop a Workplan. The ED asked the group about interest in forming a Nutrient Technical Team that would engage with SFEI on scientific work products.

iii. Discuss RFP for Technical Reviewer

BACWA intends to put out an RFP for a technical reviewer of the SFEI modeling documents and reports. Ideally someone who can provide constructive input on the work products as well as distill them for the understanding of BACWA members and regulators alike. This RFP will be discussed again at the September meeting, along with the timing for posting it.

iv. Review 2015 "BACWA Approach to Nutrient Issue".

August 21, 2020 Executive Board Meeting Minutes

This document will be updated as part of the Strategic Plan and will be included in the RFP for Technical Reviewer.

c. Governance Structure

i. July 13 PSC meeting 48 notes – notes were in the packet.

ii. August 5 PSC Meeting 49 notes were in the packet. The main discussion topic is planning for the September 11 Steering Committee meeting.

27 SUGGESTIONS FOR FUTURE AGENDA ITEMS 3:20 PM

NEXT MEETING 3:25 PM

The next Regular meeting of the Board is scheduled for September 17 to 18 - Online Pardee Technical Seminar. There will be a Special Board meeting for Strategic Planning on September 9.

ADJOURNMENT 3:30 PM